IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	Examiner: Edwin C. Holloway
Asil T. Gokcebay et al.	Group Art Unit: 2835
Serial No.: 09/595,388	File No: 537P
Filed: June 14, 2000	
For: CONVENTIONAL MECHANICAL LOCK CYLINDERS AND KEYS WITH ELECTRONIC ACCESS CONTROL FEATURE	Tiburon, California

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

EV 611 915 451 US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450
ON Sept. 30, 2004
THOMAS M. FREIBURGER NO. 27,063
SIGNED
DATE 9-30-04

RESPONSE TO FINAL ACTION

This is in response to the final action mailed May 6, 2004. A notice of appeal was filed July 30, 2004, and a request for continued examination is filed herewith.

In a disclosure statement that accompanies this response, a specification document, "Dallas Semiconductor DS1207 TimeKey", six pages, is submitted.

The enclosed article from Dallas Semiconductor explains the nature of the DS1207 TimeKey mentioned in the Bolan reference. This Dallas Semiconductor product, for which the name "TimeKey" is used as a trademark, is sometimes referred to as an electronic key in the Bolan patent. However, it is not a key in the normal

key in the Bolan patent. However, it is not a key in the normal sense of the word. It is simply an electronic device which has a timing function, meaning, somewhat roughly, "keying function to time". This timing feature when incorporated in the iButton circuitry can be used, for example, such that a Smartcard or identification device will be valid only for a limited time, or only during certain times.

The fact is that the Bolan reference does not relate to any "key function" in the normal sense of the word, that is, it does not describe anything with respect to accessing a lock or opening a door.

The passage in Bolan at column 33, lines 47 et seq., refers to the DS1207 TimeKey and says that such a device can be used for applications where security is a priority. Examples given are: "Smartcards", personnel identification badges, and electronically verified currency." None of these is described as or in way suggests accessing and unlocking a lock. Smartcards, as envisioned in 1989 when the Bolan application was filed, were essentially substitutes for cash, sometimes acting as debit cards. Personnel ID badges and electronically verified currency, just as in Smartcards, could rely on a security or time feature such as the DS1207 simply as an authentication device, not as a "key" that would unlock a lock or access a door. One cannot extrapolate from the disclosure actually contained in the

reference. In a telephone interview September 26, 2004, the Examiner expressed the opinion that Bolan's statement quoted above indicates unlocking a door, but Bolan does not really say this. Bolan is speaking of "TimeKey" type functions, such that the Smartcard, badge or electronic currency presumably would only be useable for a certain period of time. There is absolutely no indication in Bolan that the "personnel identification badge" is intended to open a door, and the fact that it is listed along with Smartcards and electronic currency certainly suggests otherwise. The badge would apparently approve a person at a badge reader point or security desk, but there is no disclosure, suggestion or even a hint that this passage refers to opening of a lock as in the present claims.

Even more importantly, Bolan suggests nothing that would lead to or motivate one to incorporate a DS1207 or any other chip encapsulated in a sealed can of the type described in the claims, into a mechanical key with mechanical bittings, as in all of the claims.

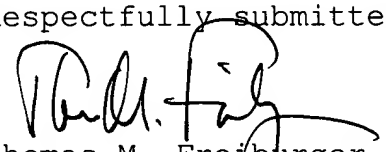
It is thus submitted that the combination relied on the by Examiner supposes a suggestion from Bolan that is not in fact clear from the reference. To assume Bolan is suggesting the use of the DS1207 chip to access and open a lock is too great a leap based on the content of the reference. It seems clear that the combinations defined in the claims would not be obvious over the

references cited.

Moreover, the invention described in the claims has enjoyed commercial success. A declaration of the applicant Asil Gokcebay under Rule 132 is enclosed. This declaration shows commercial success of the key device defined in all of the independent claims (and in fact all of the claims except claims 12, 13, 22, 23 and 24) through sales by applicant's licensee Schlage Lock Company. The declaration shows that the commercial success has a direct relation to the key as described in the claims. This is submitted as important evidence of non-obviousness and patentability of the invention recited in the claims, and it is respectfully submitted that this evidence, along with the reasons presented above, establishes the patentability of this invention.

Favorable action is solicited.

Respectfully submitted,



Date: September 30, 2004

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